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Summary record of the 47th meeting
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Chairman: Mr. Ashe ..... (Antigua and Barbuda)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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The meeting was called to order at 10.35 a.m.

Agenda item 124: Programme budget for the biennium 2006-2007 (*continued*)

Draft resolution A/C.5/60/L.38

1. **The Chairman** drew the Committee's attention to draft resolution A/C.5/60/L.38, entitled "Capital master plan".

2. **Mr. Sach** (Controller) said that prior to the adoption of the draft resolution the Secretariat wished to place on record certain clarifications, as sought during the Committee's informal consultations. In accordance with paragraphs 2 and 3 of the draft resolution, $23.5 million would be assessed on Member States following the adoption of the draft resolution.

3. The commitment authority of $77 million referred to in paragraph 4 would enable the capital master plan project to proceed with procurement activities and to enter into contracts without prejudice to a decision to be made in May 2006 on either strategy 3 or strategy 4. Approval of the commitment authority would not impede the critical path of the project.

4. It was expected that the majority of the expenditure would be incurred in the final quarter of 2006. At that time, if the commitments authorized had not been appropriated and assessed, other available cash resources would be deployed from existing reserves to meet payment needs.

5. **Mr. Bolton** (United States of America) said that his delegation appreciated the efforts of the Executive Director for the Capital Master Plan and the capital master plan office to find ways to manage and implement the project as cost-effectively as possible. As host country the United States wished to ensure that there was a safe and secure environment for delegations and staff working at United Nations Headquarters. That was why it had supported the capital master plan project.

6. The United States was prepared to agree to an appropriation of $23.5 million so that the office could continue its design work until the General Assembly had decided on the plan strategy, preferably during the second part of the resumed session. It was critical to reach such an agreement before funds were approved for the project. The United States must therefore dissociate itself from the consensus on the draft resolution.

7. His delegation would continue to work with the Executive Director and the office to arrive at critical decisions on the plan so that United Nations Headquarters would remain a safe place in which to work. In that context the United States hoped that other delegations would support the efforts of the New York City Fire Department to obtain the floor plans of the Secretariat Building. The Secretariat, inexplicably, had refused to hand over the plans, thus endangering the lives of staff, delegations and visitors.

8. *Draft resolution A/C.5/60/L.38 was adopted.*

9. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that he welcomed the adoption of the draft resolution because it recognized the importance of proceeding with a sense of urgency to implement the capital master plan. The Group had endorsed the immediate allocation of $100.5 million for the project's design and pre-construction phases in the interests of bringing the Headquarters complex up to the appropriate safety and security standards and of preserving it as a worthy icon of the United Nations, the world's pre-eminent multilateral organization.

10. Regrettably, however, the implementation of the capital master plan had been repeatedly delayed by the collapse of many of the assumptions that had initially underpinned it. For example, the New York State legislature had refused to authorize the use of land or the issuance of tax-free bonds to construct the UNDC5 building. Furthermore, the host country had failed to honour the informal commitment it had given to the Committee, prior to the adoption of General Assembly resolution 57/292, to provide an interest-free loan to finance the capital master plan, and had also failed to renew even its disappointing interest-bearing loan offer. In the meantime, rental and construction costs in New York City continued to rise. The delays in implementing the capital master plan had dramatically increased the costs at a time when the Organization faced rising demand for its humanitarian and peacekeeping missions.

11. The Group was therefore deeply distressed that the host country had been unable to join the consensus to approve the full allocation of funds requested by the Secretary-General and had delayed the adoption of the resolution by several weeks. The arbitrary allocation of

$23.5 million proposed by one delegation would not have sufficed to allow the United Nations to move forward on schedule with the critical lease obligations and commitments necessary for the pre-construction work. The Group had also noted with deep concern the estimate by the Executive Director for the Capital Master Plan that the cost of the plan had risen by $225,000 each day that the resolution's adoption had been delayed.

12. The host country should shoulder its responsibilities towards the United Nations and commit itself to the timely implementation of the plan. The Group also wished to recall paragraph 30 of General Assembly resolution 57/292, which requested the Secretary-General to take the provisions of General Assembly resolutions 54/14 and 55/247 on procurement reform fully into consideration in the implementation of the plan.

13. During the consultations leading to the adoption of the resolution, the Group had expressed concern at the narrow formulation of the request for tender for the contract to hire a construction management firm for the plan. The Group believed that the request for tender might favour experts from developed countries and also had misgivings about the way in which it had been advertised. The Group therefore called on the Secretary-General to ensure that the plan was implemented in a manner that respected the Organization's multinational character.

14. Following the adoption of the resolution the capital master plan team was in a position to proceed with critical design and pre-construction work. However, Member States would soon be called upon to take decisions on the scope option and financing mechanisms for the project's construction phase. The Group was committed to revisiting the scope and financing aspects during the second part of the resumed session. It therefore looked forward to receiving a more comprehensive business analysis proposal on the possibility of constructing a new permanent building on the North Lawn, which would help Member States to decide on the scope option.

15. **Mr. Sardenberg** (Brazil) said that his delegation wished to thank the Executive Director for the Capital Master Plan for visiting the Brazilian architect Oscar Niemeyer in Rio de Janeiro. Of all the architects who had taken part in the design and construction of the United Nations Headquarters complex, Mr. Niemeyer was the only one still living. The Brazilian delegation appreciated the deference thus shown to Mr. Niemeyer and would like to hear an account of the latter's impressions at an appropriate time.

Agenda item 46: Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields (*continued*)

Agenda item 118: United Nations reform: measures and proposals (*continued*)

Agenda item 120: Follow-up to the outcome of the Millennium Summit (*continued*)

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Draft resolution A/C.5/60/L.37/Rev.1

16. **The Chairman** drew the Committee's attention to draft resolution A/C.5/60/L.37/Rev.1, entitled "Investing in the United Nations: for a stronger Organization worldwide".

17. **Mr. Kumalo** (South Africa), introducing the draft resolution on behalf of the Group of 77 and China, said that the Group had worked tirelessly with other delegations to produce a balanced draft that reflected the concerns of various States. There was general agreement among Member States concerning almost all the proposals put forward by the Secretary-General. The first draft of the resolution, which was contained in document A/C.5/60/L.37, had included all the consensus agreements reached by Member States by

the deadline of 18 April 2006 set for the negotiations. The current draft included further contributions on which consensus had been reached by 20 and 21 April 2006.

18. There should be no doubt that the Group strongly supported ongoing efforts to reform the Organization. It was committed to a United Nations that was more efficient, effective and accountable to Member States, as envisioned in the Charter of the United Nations. Reform was a collective agenda which should serve the interests of all Member States. Any attempt to prevent certain Members from contributing ideas on the strengthening and operation of the Organization contradicted the spirit and letter of the Charter.

19. The draft resolution before the Committee anticipated the three reports that the Secretary-General would submit to the General Assembly in May, June and September 2006. The Group was pleased at the consensus reached among all Member States that the three reports would be critical in helping them to decide on the important issues raised in the Secretary-General's report entitled "Investing in the United Nations: for a stronger organization worldwide" (A/60/692 and Corr.1). Every Member State had supported the issuance of the three reports and the time lines for their issuance because there was overwhelming consensus that more information was required in order to take the relevant critical decisions.

20. It was particularly important to recall that the three reports would elaborate on the Secretary-General's proposals to recruit and retain highly qualified staff reflecting the Organization's international character, improve the conditions of service of staff, strengthen leadership in the Secretariat, increase training, improve information and communication technology systems, enhance procurement procedures and improve the performance evaluation and reporting of the Secretariat.

21. The Group was on record as strongly supporting the strengthening of oversight and accountability in the Organization. It had already supported the creation of an ethics office, the formulation of a whistleblower protection policy and measures to increase the auditing and investigative capacity of the Office of Internal Oversight Services. In view of the importance of accountability, the Group was pleased that other Member States had been able to join the consensus on the need to include language stressing the importance of accountability for the effective and efficient implementation of legislative mandates and the use of resources. The Group looked forward to the Secretary-General's response to the request for a more specific definition of accountability, including its mechanisms, as well as his proposals on parameters and instruments for the rigorous enforcement of accountability at all levels of the Secretariat.

22. It had become clear during the negotiations on the draft resolution that there was a wide divergence of views on certain issues relating to the role and prerogatives of Member States in the General Assembly, which were clearly set out in the Charter. However, those issues bore no relation to the reform of the Secretariat. It had become apparent that deliberate attempts were being made to broaden the interpretation of paragraphs 162 and 163 of the World Summit Outcome (Assembly resolution 60/1) by introducing extraneous issues that had been rejected during the negotiations on that text.

23. The Group of 77 and China neither understood nor agreed that the Secretary-General's ability to carry out his duties precluded the right of all Member States to pronounce on the administration of the United Nations, including its budget. To suggest that a small but representative group of Member States could replace the role of all Member States in carrying out the oversight responsibilities of the General Assembly was to deny every United Nations Member State its rightful role and to attempt to undermine the equality of Member States that was enshrined in the Charter.

24. The Group stressed in the draft resolution that proposals 20 and 21 of the Secretary-General's report bore no relation to the requests of the Assembly as outlined either in resolution 60/1 or in any other legislative mandate adopted by the Assembly. The right of every Member State to have an equal say in the Organization's decision-making must be upheld, and was not dependent on the size of its contribution to the Organization's budget. If the Assembly refrained from, or even delayed, pronouncing itself on the governance proposals, it would be shirking its responsibility under the Charter.

25. Sections VI, VII and VIII of the draft resolution provided for the broadest possible consensus in light of the various views expressed by Member States on governance and on the Assembly's decision-making processes. Most of the paragraphs in those sections

were based on agreed language and on agreements reached by consensus, some as recently as 23 December 2005, and also during the Committee's negotiations of March and April 2006.

26. The draft resolution reflected all the agreements reached by Member States during the negotiations, including the agreement on the elements to be contained in the three reports to be submitted in May, June and September 2006. With regard to the more contentious areas, it provided a middle ground for the broadest possible consensus. It would enable Member States to act decisively regarding the additional resources that the Secretary-General might need in order to implement the proposals.

27. **The Chairman** said that the delegation of South Africa had requested, on behalf of the Group of 77 and China, that consensus action should be taken on the draft resolution at the Committee's current meeting.

28. **Mr. Pfanzelter** (Austria), speaking on behalf of the European Union, said that the European Union also wished to achieve consensus, but that it and other major players in the Committee could not join the consensus on the text. More time for reflection was required, and he therefore requested that the meeting should be suspended.

29. **Ms. Banks** (New Zealand), speaking also on behalf of Australia and Canada, said that she supported the European Union's request for a suspension of the meeting. New Zealand, Canada and Australia also hoped that it might be possible to reach a consensus, but did not believe that such a consensus had yet been achieved.

30. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that he would be grateful if the European Union could clarify its request for more time. It was the understanding of the Group of 77 and China that the issues addressed in the draft resolution had been thoroughly discussed.

31. The Group also wished to know whether the European Union's request invoked rules 116, 117 and 118 of the General Assembly's rules of procedure. If so, it would be tantamount to calling for a motion for no action, and the Group of 77 and China would object. However, the Group was not prepared to object without knowing the true nature of the European Union's request.

32. **Mr. Ozawa** (Japan) said that although delegations had worked tirelessly to achieve a consensus resolution, there were still differences of opinion, which were not limited to proposals 20 and 21. Japan therefore requested that the sponsors of the draft resolution should not pursue action at the current time. Since the draft resolution did not enjoy broad consensus, forcing action on it might lead to unknown consequences. His delegation was not asking the sponsors to withdraw the draft resolution, nor was it asking for a motion for no action. Japan was concerned at the potentially divisive consequences of taking action, and only wished to salvage the Committee's traditional practice of acting on the basis of broad consensus.

33. If the sponsors would agree to such an approach and put the draft on hold, his delegation would request the Chairman to report to the President of the General Assembly on the status of discussions on the matter, including the status of the draft resolution. The matter would presumably then be taken up during the second part of the resumed session of the General Assembly.

34. **Mr. Bolton** (United States of America) said he took it that the European Union's request for suspension was not a motion under rule 118, which was not debatable. Since the motion was being debated, it could not be a motion for suspension. The United States also believed that there was no consensus on the draft resolution.

35. According to the terms on which the Secretary-General's report had initially been referred to the Committee, it was the understanding of the President of the General Assembly that if the Committee took action by 18 April 2006, such action would in due course be considered by the full Assembly, but that if it did not take action by that date, the matter would return in its entirety to the General Assembly plenary, since certain aspects of the text before the Committee were not, strictly speaking, within its jurisdiction.

36. It therefore seemed that the point at which the matter should revert to the plenary, according to the terms of the initial referral, had already passed. If the Group of 77 and China followed the suggestion made by the delegation of Japan, the Committee could appropriately state that it had discharged its duty with respect to the matter, which would again be properly put before the General Assembly plenary.

37. **Mr. Kumalo** (South Africa), responding on behalf of the Group of 77 and China to the comments on the draft resolution, said that the Group rejected any implicit call for a motion for no action pursuant to rules 116, 117 or 118 of the Assembly's rules of procedure. The Group considered the draft resolution to be of great importance, and wished the Committee to take action on it.

38. **Mr. Pfanzelter** (Austria), speaking on behalf of the European Union, said that the European Union's appeal for a suspension of discussion on the matter in question had been aimed at safeguarding the Fifth Committee principle of decision-making by consensus, rather than at invoking the rules of procedure to call for no action to be taken on the draft resolution. He hoped that all members of the Committee realized that major groups of States, particularly States which were substantial contributors to the Organization, felt that there was no consensus on that draft resolution, and that a way forward must be found. The European Union proposed that there should be no immediate action on the draft resolution and that Member States and the Chairman should be given more time to reach an outcome on which all could agree.

39. **The Chairman** said that he detected insufficient consensus on the course of action which the representative of South Africa had proposed on behalf of the Group of 77 and China. Moreover, reviving a debate that had already been conducted at length during plenary meetings of the General Assembly would clearly be a barrier to progress. Accordingly, he suggested that the Committee should temporarily suspend its consideration of the matter to allow all delegations a further 48 hours for discussion.

40. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group did not wish to deny the Committee the opportunity to make progress on the matter before it. However, the Group's negotiating partners must make clear their desired basis of discussion. While his Group would support further debate on the draft resolution it had introduced, it could not support arguments in favour of taking no further action or referring the issue back to the President of the General Assembly. As it had taken previous negotiations very seriously and had no wish to be seen as unreasonable or as refusing to countenance any further debate, it was willing to spend the next 48 hours meeting anywhere, at any time, to discuss remaining areas of disagreement. It then expected the Committee to hold a formal meeting on Thursday, 27 April 2006, to take action on the draft resolution.

41. **The Chairman**, expanding on his earlier suggestion, said that, if the Committee so agreed, he would use the 48-hour interval to consult with all delegations on the draft resolution, with a view to calling a meeting on 27 April to take action on it.

42. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that it was important to stress that further discussion of the draft resolution would be taking place within the Fifth Committee, where the views of every Member State could be taken into account.

43. **Mr. Bolton** (United States of America) said that some miscalculation seemed to have taken place, as a 48-hour period would in fact expire on Wednesday, 26 April 2006. The Fifth Committee was entitled to know what status the Group of 77 and China ascribed to the agreement with the President of the General Assembly on deadlines for the Committee to consider the reform proposals. He wondered whether — as a result of the expiry of the original 18 April and subsequent 20 April deadlines — issues which were outside the purview of the Fifth Committee had reverted to the General Assembly plenary and the Secretary-General for consideration and consequent action, or, alternatively, whether the agreement was considered suspended. His delegation was also interested to know the views of the Chairman and the President of the General Assembly — who was not present to provide a response — on that matter. The current meeting was already seven days past the original deadline given to the Committee, and a further two-day postponement was being contemplated. Lastly, as a number of delegations continued to disagree with the draft resolution sponsored by the Group of 77 and China, and the latter seemingly intended to put it to a vote at the Committee's next formal meeting, he wondered what the Committee could or would achieve in the next 48 hours.

44. **The Chairman** recalled that, on 17 April 2006, he and the President of the General Assembly had agreed that the original 18 April 2006 deadline for consideration of the reform proposals in the Fifth Committee was unrealistic and that the Committee must be allowed more time for discussion. They had

communicated that conclusion to the Committee on the same day.

45. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group had perhaps been too generous in determining that the end of the 48-hour period for additional debate should be taken to be Thursday, 27 April, and could just as easily agree to a meeting on Wednesday, 26 April. Its intention, set out in his earlier statement, was nevertheless clear. He had been fully conscious of the impending 18 April deadline, having pointed out, as it had approached, that the Committee was running out of time, even though some delegations were still awaiting instructions from their capitals or otherwise delaying the debate. When the deadline had been extended by two days, the Group had redoubled its negotiating efforts, found additional points of consensus and taken the opportunity to add them to its original draft resolution of 18 April 2006.

46. The President of the General Assembly had transmitted the report of the Secretary-General (A/60/692 and Corr. 1) to the Fifth Committee in its entirety, with the clear understanding that the Fifth Committee would adopt a resolution on all its elements. While he respected the views of those who pointed to the progress still to be made, he considered that the remaining difficulties were concentrated in two paragraphs of the draft and that a comprehensive resolution was within reach.

47. **Mr. Bolton** (United States of America), welcoming the recognition of the representative of South Africa that the President of the General Assembly had extended the 18 April 2006 deadline by only two days, reminded the Committee that, on 24 April 2006, it was contemplating a further deferral of action until 26 April 2006. Before taking a decision on such an extension, the Committee must know whether it still had any agreement on deadlines with the President of the General Assembly. The apparent elasticity of those deadlines was of great concern to his delegation, which had only consented to the arrangements for referral of the Secretary-General's report to the Fifth Committee because of the "snap-back" mechanism ensuring that the issue would revert to the General Assembly plenary, in an approach identical to that used for discussion of the ethics reforms at the end of 2005. Contemplation of a further extension only proved how deep the disagreement still was. While his delegation was prepared to agree to extra discussion time, it doubted that much would be achieved.

48. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group was clearly not the originator of the request for more time, having announced that it was ready to take immediate action, by consensus, on the draft resolution. It was prepared to delay such action out of respect for those States and groups of States that wished to discuss the matter further. The request for more time for debate had been made by the European Union and the suggestion for an additional 48 hours had been made by the Chairman. He wished to emphasize that the only workable basis for discussion was the draft resolution he had just introduced on behalf of the Group, as it contained many elements on which consensus had been painstakingly built.

49. **Mr. Mazumdar** (India) said that his delegation interpreted the request made by the representative of Austria on behalf of the European Union as a sign of a genuine desire for a negotiated solution. Other delegations had questioned the Fifth Committee's competence to consider the matter, while still others had urged that consideration should be deferred to the second part of the resumed sixtieth session. He hoped simply that all delegations would share his delegation's understanding that the upcoming debate must be conducted in good faith, and within the Fifth Committee, so that a formal meeting could be held in 48 hours, or — as the United States representative had pointed out — on the morning of Wednesday, 26 April 2006.

50. **The Chairman** said he took it that the Committee wished to continue its discussion of the Secretary-General's report (A/60/692 and Corr.1) in accordance with his suggestion.

51. *It was so decided.*

The meeting rose at 11.25 a.m.